

**REMARKS/ARGUMENTS**

Claims **1** and **4-32** are pending in this application. According to the January 6, 2009 Office Action, claims **1** and **4-32** are rejected.

We have amended independent claims **1**, **21**, and **26**, have amended dependent claims **4**, **7-9**, **11-14**, **16-20**, **23-24**, and **28-30**, and have added new dependent claims **33-42** to recite particular embodiments that we, in our business judgment, have currently determined to be commercially desirable. We have canceled dependent claims **5-6**, **10**, **15**, **22**, **25**, **27**, and **31-32**. The subject matter of the previously presented and canceled claims will be pursued in one or more continuing applications.

Accordingly, the following claims are under consideration:

- Independent claims **1**, **21**, and **26**.
- Dependent claims **4**, **7-9**, **11-14**, **16-20**, **23-24**, **28-30**, and **33-42**.

**I. REJECTION OF THE CLAIMS UNDER 35 U.S.C. § 112**

At pages 2-3 of the Office Action, the Examiner rejects previously presented claims **1**, **21**, and **26** under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner fails to establish a *prima facie* case under 35 U.S.C. § 112, first paragraph.

Specifically, in rejecting claims **1**, **21**, and **26**, the Examiner asserts that “according to the specification [at page 2, lines 12-18], a ‘totalisator’ would be the entire betting system, and thus would not be the first or second individual totalisator as claimed by the applicant submitted claims.” It is unclear what the Examiner means by “the entire betting system” in that the Specification at page 2, lines 12-18 does not use this phrase. Accordingly, the Examiner fails to articulate how a totalisator as referred to by the disclosure would not be the first or second individual totalisator as claimed by the applicant submitted claims.

Further, Applicants submit that in view of the disclosure, a person of ordinary skill in the art would understand the meaning of totalisator as recited by the claims.

Nonetheless, we have amended the claims to recite commercially desirable embodiments and in view of these amendments, the rejection of claims **1**, **21**, and **26** is now moot.

## II. REJECTION OF THE CLAIMS UNDER 35 U.S.C. § 102

At pages 3-8 of the Office Action, the Examiner rejects previously presented claims **1** and **4-32** under 35 U.S.C. § 102(e) as being anticipated by Brenner et al., U.S. Patent Application Publication No. 2003/0144057 (hereinafter Brenner).

Amended independent claim **1** (and similarly, amended independent claims **21** and **26**) recites in part:

*at least one server associated with a clearinghouse, at least one server associated with a first wagering facility, and at least one server associated with a second wagering facility, ...*

*wherein the first wagering facility comprises a first race track that hosts a first wagering event,*

*wherein the second wagering facility comprises a second race track that hosts a second wagering event,*

*wherein the first wagering facility simulcasts the first wagering event to the second wagering facility,*

*wherein the second wagering facility simulcasts the second wagering event to the first wagering facility, ...*

*wherein the server associated with the second wagering facility is further operable to:*

*receive a first plurality of bets on the first wagering event; and transmit the first plurality of bets to the server associated with the first wagering facility ...;*

*wherein the server associated with the first wagering facility is further operable to:*

*receive a second plurality of bets on the second wagering event; and transmit the second plurality of bets to the server associated with the second wagering facility ...; ...*

*wherein the server associated with the clearinghouse is further operable to:*

*capture first audit information associated with the first plurality of bets ...;*

*capture second audit information associated with the second plurality of bets ...; ...*

*based at least in part on the results of the first wagering event, the first audit information associated with the first plurality of bets, and the contract parameters, determine a first settlement amount*

*between the first wagering facility and the second wagering facility ...;*

*based at least in part on the results of the second wagering event, the second audit information associated with the second plurality of bets, and the contract parameters, determine a second settlement amount between the first wagering facility and the second wagering facility ...;*

*determine a single settlement amount between the first wagering facility and the second wagering facility based at least in part on an aggregation of the first settlement amount and the second settlement amount; and*

*transfer the single settlement amount between a first account associated with the first wagering facility and a second account associated with the second wagering facility, wherein to transfer the single settlement amount includes to (i) debit one of the first account and the second account by the single settlement amount, and (ii) credit the other of the first account and the second account by the single settlement amount.*

We respectfully submit that the cited portions of Brenner have not been shown to disclose at least the above limitations of independent claim **1** and similarly, independent claims **21** and **26**.

Because claims **4, 7-9, 11-14, 16-20, 23-24, 28-30** depend from independent claims **1, 21, and 26**, the cited portions of Brenner have not been shown to disclose all the limitations of these claims for at least the same reasons as claims **1, 21, and 26**.

### **III. NEW CLAIMS**

Because new dependent claims **33-42** depend from independent claims **1, 21, and 26**, the cited portions of Brenner have not been shown to disclose all the limitations of these claims for at least the same reasons set forth above for claims **1, 21, and 26**.

### **IV. AUTHORIZATION FOR EMAIL COMMUNICATION**

Recognizing that Internet communications are not secure, Applicants hereby authorize the USPTO to communicate with any authorized representative concerning any subject matter of this application by electronic mail. Applicants understand that a copy of these communications will be made of record in the application file.

**V. CONCLUSION**

We respectfully submit that the claims are in condition for allowance. We request that the application be passed to issue in due course. The Examiner is urged to telephone our undersigned representative at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance.

Respectfully submitted,

/Glen R. Farbanish/

March 18, 2009  
Date

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